

Community Development Department

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PLANNING COMMISSION STAFF REPORT

King's Landing Subdivision

Subdivision Tentative Plat/Variance to maximum block length and block perimeter,
Number of lots on a Cul-de-Sac

FILE NUMBER: SUB317-0004/VAR18-0003

REQUEST: Application for a subdivision tentative plat to divide a 15.4 acre parcel into 76 lots for single-family detached homes and for variances to increase the maximum block length and block perimeter, number of homes served by a cul-de-sac and to increase the maximum length of a cul-de-sac.

APPLICANT: Del Boca Vista, LLC.

OWNERS: 25020 NE North Valley Rd. – Robert E. Phillips Jr.
25240 NE North Valley Rd. – Ruben Lucescu, John Lucescu, Georgeta Lucescu and Jenna Mari Lucescu
25300 NE North Valley Rd. – Melvin Taylor, Trustee of Melving J. Taylor Revocable Turst

LOCATION: 25020 NE North Valley Rd. (R3207-00800), 25240 NE North Valley Rd. (R3207-00700), 25300 NE North Valley Road (taxlot R3207-00600)

DESIGNATION: Comprehensive Plan designation of LDR (Low Density Residential); Zoning designation of R-1 (Low Density Residential), with a Stream Corridor overlay extending east-west across the entire parcel

CODE CRITERIA: Newberg Development Code § 15.235.050(A), 15.215.040, 15.405, 15.420, 15.425 and 15.505

HEARING DATE: Planning Commission Hearing on June 28, 2018

ATTACHMENTS:

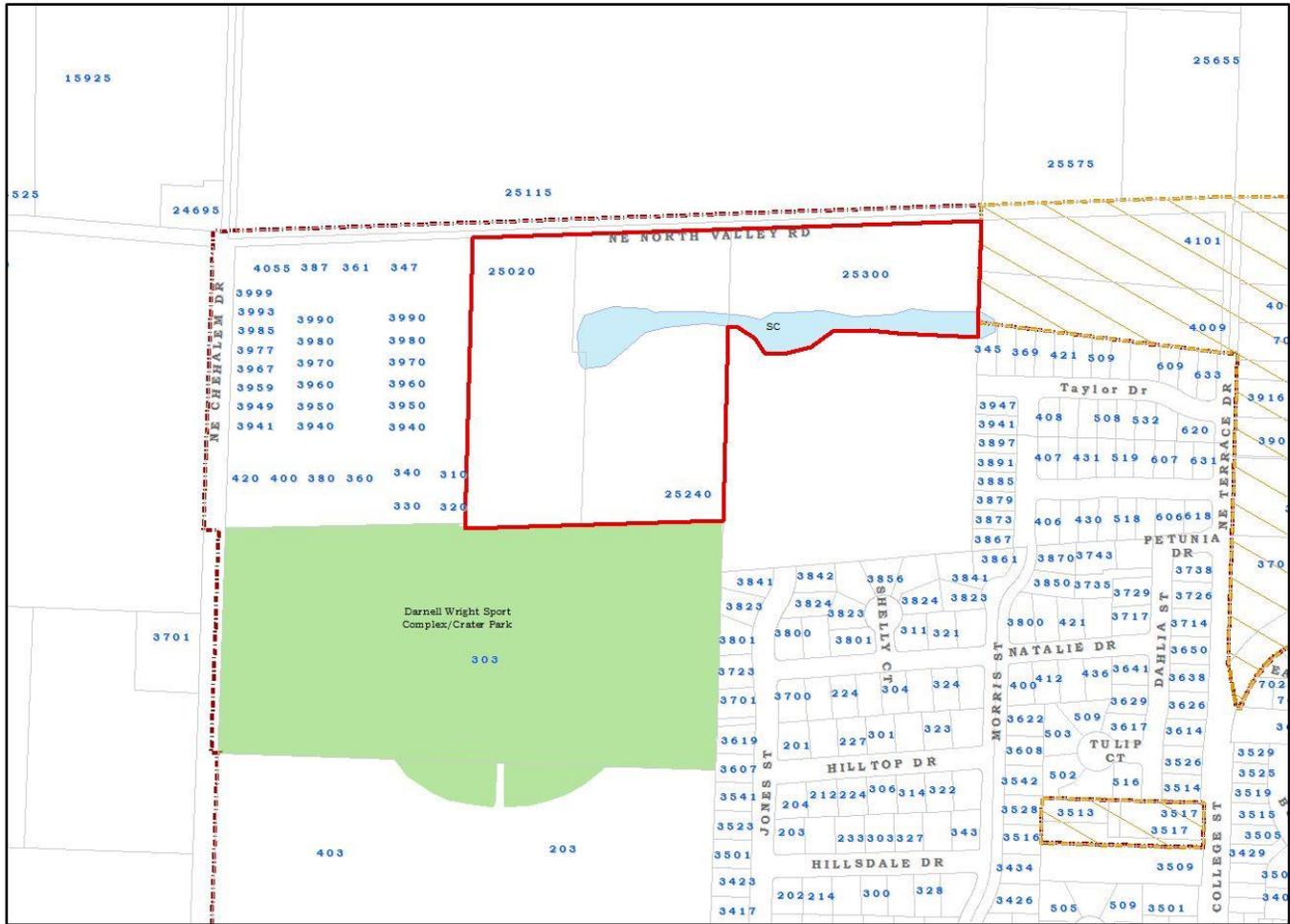
Planning Commission Order 2018-05 with:

Exhibit A: Findings

Exhibit B: Conditions of approval

Exhibit C: Tentative plan

1. Aerial photo
2. Zoning map
3. Public & Agency Comments Received
4. Application
5. Newberg Development Code & Comprehensive Plan (by reference)



General Location Map

Proposal

The applicant has requested a Subdivision tentative plan approval for King's Landing subdivision. The application would divide a 15.4 acre site into 76 lots for single-family detached homes. Part of the site is in the Stream Corridor overlay zone, which requires that the subdivision application be reviewed by the Planning Commission. The applicant has also requested approval of variances to increase the maximum block length, increase the maximum block perimeter, increase the maximum number of homes served by a cul-de-sac and increase the maximum length of a cul-de-sac. Exhibit N was submitted by the applicant for evaluating the need for variances involving block length, block perimeter and length of the E Taylor Drive cul-de-sac.

It should be noted that there are inconsistencies between the applicants' narrative and what is illustrated within the plan sheets. There is some inconsistencies in the applicant's CC&Rs such as on Page 4 where they state each house will have two car garages, it is unclear how a two garage will be constructed on the skinny lots north of E Barbaras Way. Another CC&R issue can be found on Page 7 Section 3.5.10 which refers to lots having easements that, according to the plan set, do not have easements as described and the width of the easement does not meet the minimum 15 foot width.

Process

This is a Type III application for a Subdivision preliminary plat, due to the Stream Corridor overlay on the site. The Planning Commission will hear this proposal on June 28, 2018 at 7 p.m. at the Newberg Public Safety Building (401 E Third Street). This will be a quasi-judicial hearing, and after taking public testimony the Planning Commission will make a decision on the application based on the criteria listed in the attached findings.

Noticing: Important dates related to this application are:

- 05/10/2018: The Community Development Director deemed the application complete.
- 05/23/2018: The applicant posted notice on the site.
- 05/24/2018: The applicant mailed notice to the property owners within 500 feet of the site.
- 06/06/2018: Notice were placed in four public places
- 06/06/2018: The Newberg Graphic published notice of the Planning Commission hearing.
- 06/28/2018: The Planning Commission will hold a quasi-judicial hearing to consider the application.

Site Information

The site was annexed into the city in 2017. The southern portion of 25300 NE North Valley Road is part of the approved Dutchman Ridge subdivision tract. The subject property generally slopes downward from the northern property line to the stream corridor or wetland area. From the stream corridor area to the south the property begins to slope upward to the high point of the site along the southern boundary of the Dutchman Ridge subdivision. The stream corridor generally contains many mature trees and six wetlands totaling 2.96 acres. Much of the site is open fields which have been used for agricultural purposes in the past.

Surrounding uses:

- North: Exclusive farm use outside city limits
- East: Single-family residential, Terra Estates subdivision, rural development outside the City but inside the Urban Growth Boundary
- West: Gracies Landing Subdivision.
- South: Dutchman Ridge subdivision, single-family residential, Natalie Park subdivision, Darnell Sports Complex/Crater Park

Access and Transportation: Access to the subdivision will be provided from local/residential streets. The subdivision will extend E Taylor Drive to the west where it will terminate into a cul-de-sac and continue local residential street E Barbaras Way. An unnamed north-south street would connect E Barbaras Way to NE North Valley Road. The applicant proposing to construct a limited residential street with a 28-foot curb-to-curb width in the preliminary plans along E Barbaras Way between lot 17 and lot 48.

Utilities:

Water: The City's GIS system shows there is an 8-inch public water line in E Taylor Drive, which is available for extension to the west. There is an 8-inch public water line in E Barbaras Way, which is available for extension to the east.

Wastewater: The City's GIS shows an 8-inch public wastewater line in E Barbaras Way, which is available for extension to the east. There will be an 8-inch public wastewater line in N Boomer Drive (Gracies Landing Phase III), which is available for connection at the east at the terminus of E Taylor Drive.

There is a septic system located on 25240 NE North Valley Road that is not illustrated on plan sheet P200 Existing Conditions or mentioned in the applicants' narrative.

Stormwater: The City's GIS shows a 12-inch public stormwater line in E Taylor Drive, which is available for extension to the west. There is a 12-inch public stormwater line in E Barbaras Way, which is available for extension to the east.

Overhead Lines: There are no existing overhead lines. All new service lines are required to be undergrounded.

Stream Corridor & Wetlands: Within the proposed boundary of the King's Landing subdivision, the Department of State Lands (DSL) concurred with the six wetlands and a tributary to Chehalem Creek delineated by the applicant. The King's Landing subdivision encompasses 2.96 acres of designated wetlands and 0.86 acres designated waters of the state/US. The City also has a designated stream corridor within the proposed subdivision boundary.

Agency Comments: The application was routed to several public agencies for review and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. The findings are jointly written by the Planning Division and Engineering Services Department. As of the writing of this report, the city received the following agency comments (summarized below – the full text is in Attachment "3"):

- **Frontier:** *Reviewed, no conflict.*
- **Tualatin Valley Fire & Rescue:** *Comments received have been incorporated into the findings.*
- **Oregon Dept. of State Lands (summarized):** *Within the study area [which included the two lots to the west] six wetlands, and a tributary to Chehalem Creek were identified. The wetlands and tributary are subject to permit requirements of the state Removal-Infill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in the wetlands or below the ordinary high water line (OHWL) of the waterway.*

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development redesign, we recommend that you work with the Department staff on appropriate site design before completing the city or county land use process.

- **Yamhill County, Mr. Bill Gille:** Mr. Gille has provided three comments pertaining to the unnamed north-south connector road and limited sight distance, determining the impacts to NE North Valley Road/Chehalem Drive intersection and NE North Valley Road/Highway 219 intersection and requiring the applicant to pay a proportional amount for improvements to those intersections. These preliminary comments can be found in Attachment “3”.

Public Comment:

As of the drafting of this report, we have received one public comment opposing the development that raises concerns involving increased traffic on Chehalem Drive and the Chehalem Drive and Highway 240 intersection. The residents’ comment can be found in Attachment “3”.

Issues & Analysis summary:

1. **Variance:** The applicant has requested a variance to the maximum length of a cul-de-sac, the maximum number of homes served by a cul-de-sac, block length and perimeter standards. As noted in the findings attached hereto, the block length standards are met. Connections to preexisting development, as well as constraints resulting from steep topography and the presence of a stream corridor and wetlands necessitate a variance to the maximum block perimeter standard. Not all needed variances have been requested. The applicant has submitted Exhibit N to illustrate block length, block perimeter and the length of the cul-de-sac.

PRELIMINARY STAFF RECOMMENDATION: The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt Planning Commission Order 2018-05, which approves the requested subdivision tentative plat/variance with the attached conditions.



PLANNING COMMISSION ORDER NO. 2018-05

AN ORDER APPROVING SUB317-0004/VAR18-0003 FOR THE KING'S LANDING SUBDIVISION TENTATIVE PLAN & BLOCK LENGTH AND PERIMETER VARIANCE, CUL-DE-SAC LENGTH AND NUMBER OF HOMES SERVED BY A CUL-DE-SAC AT 25020, 25240 AND 25300 NE NORTH VALLEY RD, YAMHILL COUNTY TAX LOTS R3207-800, R3207-700 AND R3207-600.

RECITALS

1. Del Boca Vista, LLC submitted an application for tentative plan approval for a 76 lot subdivision tentative plat and variances to increase the maximum block length and perimeter, increase maximum length of a cul-de-sac and increase the maximum number of single-family dwellings served by a cul-de-sac at 25020 NE North Valley Road (Yamhill County tax lot R3207-800), 25240 NE North Valley Road (Yamhill County tax lot R3207-700) and 25300 NE North Valley Road (Yamhill County tax lot R3207-600).
2. After proper notice, the Newberg Planning Commission held a hearing on June 28, 2018, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the application, as conditioned in Exhibit "B", meets the applicable criteria as shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. The tentative subdivision plat application SUB317-0004 and variance application VAR18-0003 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This order shall be effective July 13, 2018 unless appealed prior to that date.
4. This order shall expire two years after the effective date above if the applicant does not record the final plat by that time, unless an extension is granted per Newberg Development Code 15.235.130(B).

Adopted by the Newberg Planning Commission this 28th day of June, 2018.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions

Exhibit "C": Tentative plat

**King's Landing Subdivision tentative plan & block length, block perimeter, cul-de-sac length and number of lots served by a cul-de-sac variances
SUB317-0004/VAR18-0003**

SUBDIVISION CRITERIA THAT APPLY: Newberg Development Code

I. 15.220.030 Site design review requirements.

14. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]

FINDING: A traffic study was submitted with the land use application for the King's Landing 76 Lot Subdivision dated April 6, 2018. Based on the analysis, the 76 single family homes in King's Landing will generate an estimated 724 trips each day; 57 trips will occur in the AM peak hour (7am-9am) and 76 trips will occur in the PM peak hour (4pm-6pm). Nine study intersections were evaluated to determine the severity of impact to the adjacent transportation system.

The study identified two intersections of concern that fail to meet the City's traffic operational standards. The failing intersections identified are E Foothills Drive/OR219-N College Street and NE North Valley Road/OR219-N College Street. The NE North Valley Road/OR219-N College Street intersection is located on the edge of the city limits. The City's traffic operational standard is a level of service D (LOS D). At an uncontrolled intersection (side-street stop-controlled) a level of service D means that the average delay through the intersection for the worst movement is between 25 and 35 seconds.

The traffic analysis for the 2018 scenario with the trips resulting from King's Landing included in the total volume results in the following performance metrics summary:

Intersection Location	AM/PM	Base Scenario: 2018 Total Entering Volume (TEV) without King's Landing	Build Scenario: 2018 Total Entering Volume (TEV) with King's Landing	Increase in TEV over Base Condition without King's Landing	2018 King's Landing Build Scenario		
					Level of Service (LOS)	Average Delay per Vehicle (worst movement) in seconds (sec)	Volume to Capacity Ratio (V/C)
<i>City of Newberg/Oregon Department of Transportation (Jurisdictional Ownership)</i>							
E Foothills Dr/OR219-N College Street	AM (7-9am)	951 vehicles	964 vehicles	13 trips	F	78.66 sec	0.728
E Foothills Dr/OR219-N College Street	PM (4-6pm)	1098 vehicles	1111 vehicles	13 trips	F	74.68 sec	0.622
<i>Yamhill County/Oregon Department of Transportation (Jurisdictional Ownership)</i>							
NE North Valley Road/OR219	AM (7-9am)	753 vehicles	769 vehicles	16 trips	E	38.40 sec	0.453
NE North Valley Road/OR219	PM (4-6pm)	961 vehicles	980 vehicles	19 trips	F	55.54 sec	0.349

To return the level of service of both intersections to values that meet the City standards (Level of Service D), the traffic study recommends the following:

- Install a traffic signal at the E Foothills Dr/OR219-N College Street intersection
- Install a westbound left turn lane at the NE North Valley Road/OR219 intersection

This criterion is met.

15.235.050(A).

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

- 1. The land division application shall conform to the requirements of this chapter;*
- 2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;*

Finding: The proposed subdivision creates lots for single-family dwellings with appurtenant stormwater facilities, which are approved uses in the R-1 zoning district. The applicable lot standards

and development standards are addressed below in subsections A and B.

3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;

Finding: The applicable access and public improvement standards are addressed below in subsection C.

4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

Finding: The proposed plat name of King's Landing is not already recorded for another subdivision, which satisfies the provisions of ORS Chapter 92. The applicant checked with Marty Glass from Yamhill County Surveying to verify there were no other subdivisions in Yamhill County named King's Landing. This criterion is met.

5. The proposed streets, utilities, and stormwater facilities conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

Finding: The preliminary plat identifies all proposed public improvements and dedications. Connections to existing and future development are proposed. Applicable public design and construction standards are addressed below in subsection C.

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;

Finding: The applicant has stated that "these provisions will be met with the submission of the subdivision plans". The preliminary plat does not list any private common areas so it does not appear they are proposing any of these areas. This criterion does not apply unless there is missing information that should be located on the preliminary plat.

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

Finding: The applicants' response states "these provision will be met with the submission of subdivision plans". The Oregon Department of State Lands (DSL) letter dated January 11, 2018, which was sent to Ms. Jessica Cain of Del Boca Vista (actual DSL letter referred to Del Boca Vita), states the following "Within the study area, six wetlands, (A to F totaling approximately 2.96 acres) and a tributary to the Chehalem Creek were identified. The wetlands and tributary are subject to the permit requirements of the state Removal-Fill Law." The DSL letter goes on to state that "we recommend that you work with Department staff on appropriate site design before completing the city or county land use

approval process”. However, no information has been provided within the applicants’ submittal that indicates further coordination with DSL has taken place beyond the letter dated January 11, 2018. The applicant must obtain and provide all applicable Department of State Lands permits required by the State Removal-Fill Law, and U.S. Army Corps of Engineers permits required prior to any final plat approval.

This criterion will be met if the conditions of approval are adhered to.

8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

Finding: The applicants’ response states “These provision will be met with the submission of subdivision plans”. Any required City improvements will be made prior to final plat approval. Conditions are listed in Exhibit B attached hereto. This criterion will be met if the conditions of approval are adhered to.

2. The subdivision complies with this code including but not limited to 15.340.010 through 15.440.080 and 15.235.030 et seq.

A. Applicable Lot Requirement: Newberg Development Code 15.405.010, Lot Area; Lot Areas per Dwelling Unit

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.

Finding: The applicant provided a table on page 15 and 16 of their narrative that does not match the lot area information illustrated on plan sheet P300 Preliminary Plat. We received an updated table on June 20, 2018 that lists the developable and non-developable land areas. However, this table does not clearly list the areas for the wetlands and stream corridor easements. For the final plat submittal, a table listing

all lot areas, wetland areas, stream corridor area and all other items listed in 15.405.010 (C) that factor into calculating lot area and lot size averaging must be listed. The average lot size must be 5000 square feet or larger or the number of lots shall be adjusted to meet the minimum lot size of 5,000 square feet for the R-1 zoning district. This section of the development code will be met if all conditions of approval are adhered to.

B. Applicable Lot Requirements – Newberg Development Code 15.405.030 Lot Dimensions and Frontage

A. Width. Widths of lots shall conform to the standards of this code.

B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.

C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.

D. Frontage.

1. No lot or development site shall have less than the following lot frontage standards:

a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).

b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.

c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.

d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.

2. The above standards apply with the following exceptions:

a. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.

b. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

c. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. [Ord. 2830 § 1 (Exh. A), 4-2-18; Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2720 § 1(15), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.567.]

Penalty: See NMC 15.05.120.

Finding: Lot 12 does not meet the minimum width requirement of 35 feet in the R-1 District. The applicant has stated that “a lot line adjustment will be applied for when Gracie’s Landing Phase 3 is recorded”. According to the Yamhill County Surveyor’s website, Gracies Landing Phase 3 was recorded on 05/17/2018, however, to date no lot line adjustment has been applied for with the City of Newberg. A lot line adjustment with Gracies Landing Phase #3 must be applied for and approved before any final plat approval, which will provide enough property to Lot 12 to meet the minimum 35 feet lot width. If the applicant applies for and is approved for a lot line adjustment then these criteria will be met.

15.405.040 Lot coverage and parking coverage requirements.

A. Purpose. The lot coverage and parking coverage requirements below are intended to:

- 1. Limit the amount of impervious surface and storm drain runoff on residential lots.*
- 2. Provide open space and recreational space on the same lot for occupants of that lot.*
- 3. Limit the bulk of residential development to that appropriate in the applicable zone.*

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

1. Maximum Lot Coverage.

- a. R-1: 30 percent, or 40 percent if all structures on the lot are one-story.*
- b. R-2 and RP: 50 percent.*
- c. AR and R-3: 50 percent.*

2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.

3. Combined Maximum Lot and Parking Coverage.

a. R-1, R-2 and RP: 60 percent.

b. R-3: 70 percent.

C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code. [Ord. 2746 § 1 (Exh. A § 1), 8-15-11; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.568.]

Penalty: See NMC 15.05.120.

Finding: The applicant provided a response to NDC 15.405.040 with their Exhibit M, which is supposed to demonstrate that lots 53, 54, 55 and 71 are buildable. However, this section of the development code pertains to impervious surface for lot coverage and parking. The relevance of Exhibit M to lot coverage is unclear. Lot coverage for all lots will be determined at the time of building permit review. All lots must conform to section 15.405.040 (B). For lots 53, 54, 55 and 67 through 71, the stream corridor easement and wetland easements must be clearly delineated and staked on said lots. City inspectors will verify that all planned foundations, driveways and any other impervious surfaces will be constructed outside of all easements. A Type I review process will be required. This section of the development code would be verified to be met during the building permit review.

15.430.010 Underground utility installation.

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

Finding: New utility service is required to be undergrounded. This criteria will be met with the installation of underground utility lines.

C. Applicable Development Standards – Newberg Development Code 15.505 Public Improvement Standards

15.505.020 Applicability.

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).

A. Public Works Design and Construction Standards. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall

comply with the requirements of the most recently adopted Newberg public works design and construction standards.

Finding: The preliminary plans show an extension of E Taylor Drive to the west and E Barbaras Way to the east. Frontage improvements along N Boomer Drive and NE North Valley Road along the property frontage are also shown. Public utility infrastructure improvements not limited to street improvements, public walkways, water, wastewater, and stormwater will require completed permits from partner agencies to authorize different work tasks. Issuance of required permits not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit. This criterion will be met if the conditions of approval are adhered to.

B. Street Improvements. All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.

Finding: The preliminary plans show an extension of E Taylor Drive to the west and E Barbaras Way to the east. Frontage improvements along the N Boomer Drive and NE North Valley Road property frontages are also shown. This requirement is met.

C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.

Finding: There is an existing 8-inch water line on E Taylor Drive, which is available for extension to the west to serve the development. There is an existing 8-inch water line in E Barbaras Way, which is available for extension to the east to serve the development. Preliminary plans show an extension of the E Taylor Drive water line to the west and E Barbaras Way water line to the east. The public water line shall be looped by connecting the proposed dead-end public waterline in E Taylor Drive with either the existing public water line in N Boomer Drive or the proposed water line in E Barbaras Way. Permits from other agencies for wetland mitigation shall be provided to the City prior to issuance of any City permits. This criterion will be met if the conditions of approval are adhered to.

D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.

Finding: There is an existing 8-inch public wastewater line in E Barbaras Way and N Boomer Drive, which is available to serve the development. Preliminary plans show an extension of the public 8-inch wastewater line in E Barbaras Way to the east and from N Boomer Drive to the east. A wastewater line is also shown in the proposed extension of E Taylor Drive crossing through a wetland to connect to the wastewater line in N Boomer Drive. Permits from other agencies for wetland mitigation shall be provided to the City prior to issuance of any City permits. There is an existing septic system that appears to serve 25240 NE North Valley Road. The drain field appears to be located within lots located on the south side of E Taylor Drive. No mention of the septic system was made in the applicants' narrative and the system is not illustrated on Sheet P200 Existing Conditions. The septic system must be

properly decommissioned and removed before any review of the Final Plat will take place. Proper decommission and removal documentation from the Yamhill County will be required. This criterion will be met once all required permits are obtained and all other requested documentation pertaining to the existing septic system are obtained and submitted to the City.

E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.

Finding: Preliminary plans show stormwater drainage for the development connecting to proposed Tract A and Tract B stormwater facilities. Preliminary plans show stormwater tracks in mitigated wetland areas. The City will not accept wetlands in stormwater tracts dedicated to the City. Tract A and Tract B must not have any wetlands located within their confines. Without an adjustment to the submitted plans, this criterion cannot be met.

F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.

Finding: The applicant has submitted preliminary plans that indicate some utility easements. All public utilities shall be located within a public utility easement or right-of-way. The applicant has not submitted construction plans so it cannot be determined if this requirement has been met. The applicant will be required to submit construction plans that include utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards. Easements to include, but not necessarily limited to:

- 1) 10-foot utility easements along all frontages, unless determined by the City Engineer as part of the Public Improvement Permit plan review to be not needed or not feasible due to site conditions.
- 2) 15-foot public wastewater easement between lot 67 & lot 68, and lot 5 & lot 6 for the wastewater connection between N Boomer Drive and E Taylor Drive.
- 3) A 15-foot public water easement is required looped public water main connection from the E Taylor Drive water line to either N Boomer Drive or E Barbaras Way.

This criterion would be met if all conditions of approval pertaining to this section of the NDC are satisfied. However, the current plan do not have enough information to make such a determination.

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

Finding: The applicant will abide by this criterion before any building permits are issued.

15.505.030 Street standards.

B. Applicability. The provisions of this section apply to:

- 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.**
- 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.**
- 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.**
- 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.**
- 5. Developments outside the city that tie into or take access from city streets.**

C. Layout of Streets, Alleys, Bikeways, and Walkways. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.

D. Construction of New Streets. Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:

- 1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and**
- 2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.**

Finding: The applicant is proposing to extend two existing local residential streets designated as E Taylor Drive and E Barbaras Way, and to construct a local residential street access road between E

Barbaras Way and NE North Valley Road. The following cross-section matches the existing improvements on Taylor's Drive, E Barbaras Way, and the access road, and requires 54-feet of right-of-way:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 4.5-foot planter
- 0.5-foot curb
- 7-foot parking lane
- 9-foot travel lane
- 9-foot travel lane
- 7-foot parking lane
- 0.5-foot curb
- 4.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

E Taylor Drive, E Barbaras Way (between lot 12 and lot 17), and the access road between E Barbaras Way and NE North Valley Road are to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 4.5-foot planter, 0.5-foot curb, 7-foot parking lane, 9-foot travel lane, 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, 4.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The applicant is required to dedicate sufficient right-of-way (minimum of 54-feet) to construct the listed streets. Details for a transition from a local residential street to a limited residential street will require approval by the City Engineer as part of the Public Improvement Plan review.

The applicant is also proposing to construct a limited residential street with a 28-foot curb-to-curb width in the preliminary plans along Barbaras Way between lot 17 and lot 48. The following cross-section meets the City's standard for a limited residential street with a 28-foot curb-to-curb width and required 50-feet of right-of-way per table 15.505.030(G):

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 4.5-foot planter
- 0.5-foot curb
- 28-foot curb-to-curb (includes one parking lane)
- 0.5-foot curb
- 4.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

E Barbaras Way (between lot 17 and lot 48 of the preliminary plans) is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 4.5-foot planter, 0.5-foot curb, 28-foot curb-to-curb (includes one parking lane), 0.5-foot curb, 4.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The applicant is required to dedicate sufficient right-of-way (minimum of 50-feet) to construct the limited residential street. The Fire Marshal is requiring that parking only be allowed on one side of the limited residential street. A transition from a local residential street to a limited residential street will occur across the distance of lot 17 and lot 18 of the preliminary plans.

The applicant may propose a 6-foot curb tight “Type B” sidewalk on the south side of E Barbaras Way adjacent to stream corridor from approximately lot 21 to lot 26 to minimize stream corridor impacts.

These criteria will be met if the conditions of approval are adhered to.

E. Improvements to Existing Streets.

1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.

Finding: NE North Valley Road is a major collector that is adjacent to the northern boundary of the proposed development. The applicant is proposing to dedicated 10-feet of right-of-way in order to construct a half street improvement along their property frontage. Per the Transportation System Plan and Public Works Design and Construction Standards, major collector streets require a minimum of 60-feet of right-of-way and are comprised of the following:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 6-foot bike lane
- 12-foot travel lane
- 12-foot travel lane
- 6-foot bike lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The applicant will be required to dedicate additional right-of-way to provide 30-feet of right-of-way from the centerline along the project frontage on NE North Valley Road.

N Boomer Drive is a local residential street on the western edge of the development. The applicant is proposing to construct a half street improvement along their property frontage. To match the existing

improvements adjacent to the development, a local residential street will require a minimum of 54-feet of right-of-way and is comprised of the following:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 4.5-foot planter
- 0.5-foot curb
- 7-foot parking lane
- 9-foot travel lane
- 9-foot travel lane
- 7-foot bike lane
- 0.5-foot curb
- 4.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The applicant will be required to dedicate additional right-of-way to provide 27-feet of right-of-way from the centerline along the project frontage on N Boomer Drive.

This criterion will be met if the conditions of approval are met.

2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.

Finding: The applicant is proposing to construct improvements along the south side of NE North Valley Road adjacent to the development. Per the Transportation System Plan and Public Works Design and Construction Standards, major collector streets require the following cross-section:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 6-foot bike lane
- 12-foot travel lane
- 12-foot travel lane
- 6-foot bike lane
- 0.5-foot curb

- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The applicant will be required to provide improvements to the south side of NE North Valley Road that match the cross-section in the City's Transportation System Plan and the Public Works Design and Construction Standards across the frontage. The final design of NE North Valley Road will need to be approved as part of the Public Improvement Permit. The applicant will be required to provide street improvements along the NE North Valley Road frontage that meet the specifications and standards of the City's Public Works Design and Construction Standards and the Transportation System Plan for a minor collector. NE North Valley Road is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5.5-foot planter, 0.5-foot curb, 6-foot bike lane, 12-foot travel lane along the project frontage from the centerline to the curb. Pavement width will need to transition southerly from existing width of 17-feet to 18-feet to accommodate the 6-foot bike lane.

N Boomer Drive is a local residential road on the western edge of the development. The applicant is proposing to construct a half street improvement along their property frontage. To match the existing improvements adjacent to the development, a local residential street will require a minimum of 54-feet of right-of-way and is comprised of the following:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 4.5-foot planter
- 0.5-foot curb
- 7-foot parking lane
- 9-foot travel lane
- 9-foot travel lane
- 7-foot bike lane
- 0.5-foot curb
- 4.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The applicant will be required to provide improvements to the east side of N Boomer Drive that match the cross-section listed. The final design of N Boomer Drive will need to be approved as part of the Public Improvement Permit. The applicant will be required to provide street improvements along the N Boomer Drive frontage that meet the specifications and standards of the City's Public Works Design and Construction Standards and the Transportation System Plan for a local residential street. N Boomer Drive is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 4.5 foot planter, 0.5-foot curb, 7-foot parking lane, and 9-foot travel lane.

This criterion will be met if all the conditions of approval are met.

3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.

Finding: This criterion is not applicable.

F. Improvements Relating to Impacts. Improvements required as a condition of development approval shall be roughly proportional to the impact of the development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this [code](#). If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land [use](#) application.

FINDING: The applicant submitted a traffic study dated April 6, 2018. The recommendation of the study to mitigate the impacts of the development and existing background volumes were as follows:

- Install a traffic signal at the E Foothills Dr/OR219-N College Street intersection
- Install a westbound left turn lane at the NE North Valley Road/OR219 intersection

The intersection of NE North Valley Road/OR219 is not within the jurisdictional ownership of the City of Newberg. The City has received preliminary comments from Yamhill County, which are included in Attachment "3". As of the drafting of this report we are still waiting for comments from ODOT in regards to location and the impact of this proposed development.

E Foothills Drive/OR219-N College Street Intersection:

Project I02 in the City's 2016 Transportation System Plan (TSP) calls for intersection control upgrades at the E Foothills Drive/OR219-N College Street intersection with an estimated cost of \$825,000 (2016 dollars). The King's Landing traffic study notes that 13 trips are being added to the intersection of E Foothills Drive/OR219-N College Street as a direct result of the King's Landing development in both the AM and PM peak hours. A Traffic Impact Fee was developed to capture the proportional impact of the development on public facilities and services.

The applicant shall pay a proportional cost for the traffic control upgrade to the City of Newberg for the number of trips being added to the E Foothills Drive/OR219-N College Street intersection as a direct result of the King's Landing development. The most severe impact to the operation of the intersection occurs during the AM peak period where the resulting operation of the intersection is a level of service F, average delay of 78.66 seconds (1.3 minutes), and a volume to capacity ratio of 0.728. The following

formula was used to develop a Traffic Impact Fee to capture the proportional impact of the development:

(13 AM trips directly proportional to King's Landing development)/(964 AM peak hour total trips through the intersection)*(\$825,000 for the TSP cost of an intersection upgrade) = \$11,125 Traffic Impact Fee

This Criterion will be met if the conditions of approval are adhered to.

G. Street Width and Design Standards.

1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

2. Motor Vehicle Travel Lanes. Collector and arterial streets shall have a minimum width of 12 feet.

3. Bike Lanes. Striped bike lanes shall be a minimum of six feet wide. Bike lanes shall be provided where shown in the Newberg transportation system plan.

Finding: The submitted plans show a 5-foot bike lane along NE North Valley Road. A 6-foot bike lane along NE North Valley Road is required to match into the existing bike lane to the west, and an 8-inch bike lane line will be required along the property frontage. A bike lane stencil will be required in the bike lane on the east side of the access road between E Barbaras Way and NE North Valley Road. A "Bike Lane Ends" sign (R3-17, R3-17bP) will be required at the east end of the property frontage. A transition out of the bike lane shall be provided at the east terminus of the bike lane.

If the conditions of approval are satisfied then these criteria will be met.

4. Parking Lanes. Where on-street parking is allowed on collector and arterial streets, the parking lane shall be a minimum of eight feet wide.

5. Center Turn Lanes. Where a center turn lane is provided, it shall be a minimum of 12 feet wide.

Finding: These two criteria are not applicable to the proposed subdivision.

6. Limited Residential Streets. Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:

- a. The requirements of the fire chief shall be followed.*
- b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.*
- c. Use for through streets or looped streets is preferred over cul-de-sac streets.*
- d. Use for short blocks (under 400 feet) is preferred over longer blocks.*
- e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.*
- f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.*

Finding: The applicant is proposing a limited residential street between lot 17 and lot 48 (see north side of E Barbaras Way) along E Barbaras Way. The west portion of the limited residential street, west of the access road between E Barbaras Way and NE North Valley Road is serving lots 17-30 (15 lots), and the east portion of the limited residential street, east of the access road between E Barbaras Way and NE North Valley Road is serving lots 31-55 (25 lots). The applicant states that there are 39 lots with frontage access to the limited residential street with an average daily traffic generation of 9.52 trips per day (per ITE Trip Manual Code 210) for a total of 362 trips (9.52 trips per day * 38 lots = 371 trips per day) which is less than the 600 average daily trips outlined in criteria (b) for a limited residential street.

The portion of E Barbaras Way that is proposed as a limited residential street is a “through street” which meets criteria (c) of a limited residential street.

Although Block 2 has a length of 417.95, the language in subsection (d) above allows for some flexibility. It is City staff’s opinion that the 17.95 feet in excess of 400 feet is acceptable and will not require a variance.

The total number of residences or other uses accessing the street in the two proposed blocks are no more than 30 residences, and are currently 13 lots to the west and 24 lots to the east respectively. This meets the criteria (a) and (e) of limited residential streets.

To comply with Fire Marshal requirements, the applicant is only proposing on-street parking on the south side of E Barbaras Way which complies with criteria (f) of limited residential streets. The applicant has provided Exhibit L within their narrative, which is a letter from Jason Arn with Tualatin Valley Fire and Rescue. Due to the reduced width of E Barbaras Way, the applicant shall place “No Parking-Fire Lane” signs on the north side of said street. The signs shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 19 inches high and shall have red letters on a white reflective background.

The proposed limited residential street as described above is supported by staff. The applicant shall follow the limited residential street cross-section as noted in the 15.505.030(D)(2) findings and

conditions. If and when E Barbaras Way is continued to the east, the roadway must transition from a limited residential street to a local residential street as to comply with 15.505.030(G)(6).

These criteria will be met if all conditions of approval are adhered to.

7. Sidewalks. Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.

Finding: The submitted plans show a 5-foot sidewalk along N Boomer Drive, E Barbaras Way, E Taylor Drive, NE North Valley Road, and the access road between E Barbaras Way and NE North Valley Road. Directional ADA curb ramps will be required at the following locations:

- N Boomer Drive/E Barbaras Way Intersection
 - SE corner two (2) directional ADA curb ramps
 - NE corner one (1) ADA curb ramp
- E Barbaras Way/Access Road between E Barbaras Way and NE North Valley Road Intersection
 - NE corner two (2) directional ADA curb ramps
 - NW corner two (2) directional ADA curb ramps
 - SW corner one (1) ADA curb ramp
 - SE corner one (1) ADA curb ramp
- NE North Valley Road/Access Road between E Barbaras Way and NE North Valley Road Intersection
 - SW corner one (1) directional ADA curb ramp (east-west travel)
 - SE corner one (1) directional ADA curb ramp (east-west travel)

The final design of N Boomer Drive, E Barbaras Way, E Taylor Drive, NE North Valley Road, and the access road between E Barbaras Way and NE North Valley Road will need to be approved as part of the Public Improvement Permit.

This criterion will be met if all conditions of approval are adhered to.

8. Planter Strips. Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020.

- a. Additional reinforcement is done to the sidewalk section at corners.***
- b. Sidewalk width is six feet.***

Finding: The submitted plans show a planter strip on E Taylor Drive, E Barbaras Way, N Boomer Drive, the access road between E Barbaras Way and NE North Valley Road, and NE North Valley Road. The planter strips on local residential streets including E Taylor Drive, E Barbaras Way, N Boomer Drive, and the access road between E Barbaras Way and NE North Valley Road are required to be 4.5-foot wide to match the adjacent development, and 5.5-foot wide along NE North Valley Road.

E Taylor Drive terminates to the west in a cul-de-sac. The design plans do not include a plater strip within the cul-de-sac cross-section. The sidewalk in the cul-de-sac section of E Taylor Drive is located curb-side on the plans and is required to be 6-feet wide.

The applicant may propose a 6-foot curb tight “Type B” sidewalk on the south side of E Barbaras Way adjacent to stream corridor from approximately lot 21 to lot 26 to minimize stream corridor impacts.

These criteria will be met if all conditions of approval are adhered to.

10. Intersections and Street Design. The street design standards in the Newberg public works design and construction standards shall apply to all public streets, alleys, bike facilities, and sidewalks in the city.

Finding: Preliminary plans indicate that the applicant will be able to meet requirements of the public works design and construction standards. The final design of E Taylor Drive, E Barbaras Way, N Boomer Drive, the access road between E Barbaras Way and NE North Valley Road, and NE North Valley Road will need to comply with City’s Public Works Design and Construction Standards. The applicant will be required to obtain a Public Improvement Permit and meet the City’s Transportation System Plan and Public Works Design and Construction Standards for the proposed roadway improvements per 15.505.020(A) and 15.505.030(G)(10).

This criterion will be met if all conditions of approval are adhered to.

I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

Finding: Preliminary plans show E Barbaras Way extending east past the access road between E Barbaras Way and NE North Valley Road more than 150-feet. A temporary turn around will be required at the east end of E Barbaras Way until such a point that the roadway is extend further to the east in the future.

This criteria will be met if all conditions of approval are adhered to.

K. Future Extension of Streets. All new streets required for a subdivision, partition, or a project requiring site design review shall be constructed to be “to and through”: through the development and to the edges of the project site to serve adjacent properties for future development.

Finding: Preliminary plans provide a circulation analysis plan. E Barbaras Way could be extended to the east and would connect into NE Terrace Drive at some future point. This requirement is met.

L. Cul-de-Sacs.

1. Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.

a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.

c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.

d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.

2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).

3. Cul-de-sacs shall not serve more than 18 single-family dwellings.

Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

Finding: Due to a stream corridor and wetland conservation easements, a cul-de-sac is appropriate for the proposed subdivision. The applicant is proposing to construct a cul-de-sac at the west end of E Taylor Drive. The applicant is required to provide a minimum curb-to-curb diameter of 96-feet, with a 6-foot curb-side sidewalk, and 1-foot from back of walk to right-of-way for a total right-of-way diameter of 110-feet for E Taylor Drive.

The E Taylor Drive cul-de-sac length is approximately 1,064 linear feet, which exceeds the maximum length of 400 feet. The applicant has requested a variance, which is discussed below in Section II.

The E Taylor Drive cul-de-sac serves a total of 37 homes, including homes that will be located in the approved Dutchman Ridge subdivision. This exceeds the maximum of 18 single-family homes served by a cul-de-sac. The applicant has requested a variance, which is discussed below in Section II.

These criteria will be met if the conditions approval are adhered to and the requested variances are approved.

M. Street Names and Street Signs. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.

Finding: The applicant will be required to install street name signs at all intersections within the development.

This criterion will be met if the conditions of approval are adhered to.

O. Platting Standards for Blocks.

1. Purpose. Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.

2. Maximum Block Length and Perimeter. The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

Zone(s)	<u>Maximum Block Length</u>	<u>Maximum Block Perimeter</u>
R-1	800 feet	2,000 feet
R-2, R-3, RP, I	1,200 feet	3,000 feet

3. Exceptions.

a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.

b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.

c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies,

preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.

d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.

e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.

f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

Finding: The applicant has submitted Exhibit N in order to determine accurate block lengths for the proposed subdivision. All block lengths are less than 800 feet, therefore, no variance will be required. The applicants' narrative has requested a variance for N Jones Street, which is not part of the King's Landing subdivision.

Two block perimeters are in excess of the maximum allowable 2,000 feet in the R-1 zone district. City staff checked all block length and perimeters in order to verify the accuracy of Exhibit N. Exhibit N was determined to be accurately measured. Of the 8 block lengths illustrated on Exhibit N, Blocks 5 measured 3,718 linear feet and Block 8 measured 3,446 linear feet. Both blocks 5 and 8 will require a variance, which the applicant has requested and is addressed below in Section II.

These criteria will be met if all requested variances are granted.

R. Vehicular Access Standards.

1. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

3. Properties with Multiple Frontages. Where a property has frontage on more than one

Finding: Lots 8, 30, and 31 have property frontage on more than one street. Lot 30 and 31 are required to take driveway access from E Barbaras Way and the driveways are to be located as far away from the intersection of E Barbaras Way and the access road between E Barbaras Way and NE North Valley Road as possible.

These criteria will be met if the conditions of approval are adhered to.

7. Shared Driveways.

b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

c. No more than four lots may access one shared driveway.

d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.

Finding: Lot 49 and lot 50 appear to be shown utilizing a shared driveway that is also being used as a fire access turnaround. Access easements and maintenance agreements shall be recorded for all shared driveways as part of the final platting process. No parking is allowed within a driveway used as a fire access turnaround.

These criteria will be met if the conditions of approval are adhered to.

S. Public Walkways.

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.

2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.

3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.

4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.

5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.

6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.

7. Lighting may be required for public walkways in excess of 250 feet in length.

8. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

Finding: Preliminary plans indicate the following public walkway easements:

- 1) 15-foot public walkway easement between lot 38 & lot 39 for the purpose of connecting E Barbaras Way to NE North Valley Rd.
- 2) 15-foot public walkway easement between lot 18 & lot 19 for the purpose of connecting E Barbaras Way to NE North Valley Rd.
- 3) 15-foot public walkway easement between lot 76 & Stormwater Tract A of the Dutchman Ridge development for the purpose of connecting E Taylor Drive to E Barbaras Way. An easement will also need to be secured from the Dutchman Ridge development for the portion of the proposed easement shown located on the adjacent property to the east. The public walkway must be located outside of the fenced stormwater facility in Tract A of the Dutchman Ridge Development.
- 4) 15-foot public walkway easement between lot 64 & Stormwater Tract B of King's Landing for the purpose of connecting to the Chehalem Parks & Recreation District property. The public walkway must be located outside of the fenced stormwater facility. The public walkway easement must be outside of the stormwater facility maintenance access drive.
- 5) 15-foot public walkway easement on lot 53 for the purpose of connecting E Taylor Drive to E Barbaras Way.
- 6) 15-foot public walkway easement on lot 55 for the purpose of connecting E Taylor Drive to E Barbaras Way.

A 15-foot wide easement will be required with a 10-foot wide ADA accessible concrete surface for the public walkways. Public walkways when located adjacent to stormwater facilities must be located outside of the fenced stormwater facility and outside of maintenance access drives. Maintenance of public walkways located in the easements listed are the responsibility of the homeowners association into perpetuity. The applicants' Joint Permit Application (JPA) permitting for public walkways through stream corridors/wetlands must be complete and copies of issued permits must be provided to the City before a Public Improvement Permit may be issued.

These criteria will be met if the conditions of approval are adhered to.

T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

Finding: Preliminary plans do not show street trees along public streets adjacent to the development. E Barbaras Way, E Taylor Drive, N Boomer Drive, and the access road between E Barbaras Way and NE North Valley Road are classified as local residential streets. NE North Valley Road is classified as a major collector street. The applicant will be required to provide street trees along all public streets that are compliant with 15.420.010(B)(4)(a). This criterion will be met if all conditions of approval are adhered to.

U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

Finding: Preliminary plans show street lighting. The applicant has not submitted construction plans so it cannot be determined if this requirement has been met. The applicant will be required to submit construction plans that include existing, and new street lights as needed to meet the specifications and standards of the City's Public Works Design and Construction Standards for street lights.

15.505.040 Public utility standards.

C. General Standards.

1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.

2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.

Finding: Issuance of required permits not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.

These criteria will be met if the conditions of approval are adhered to.

D. Standards for Water Improvements. All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.

1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.

Finding: The applicant will be utilizing the existing water lines in E Taylor Drive and E Barbaras Way to provide a public water line through the site. Fire flow calculations have not been submitted to determine if this requirement is met. The public water line shall be looped by connecting the proposed dead-end public waterline in E Taylor Drive with either the existing public water line in N Boomer Drive or the proposed water line in E Barbaras Way. As part of the Public Improvement Permit, the applicant will be required to submit fire flow calculations to show that the existing and proposed service is adequate.

These criteria will be met if the conditions of approval are adhered to.

3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.

Finding: Preliminary plans indicate that E Barbaras Way will continue east beyond the proposed development in the future. A blow off assembly at the eastern end of the street will be required which allows for future extension beyond the development site.

4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.

Finding: Preliminary plans indicate that the applicant will be able to meet requirements of the Public Works Design and Construction Standards. Submitted plans show a new 8-inch public water main along E Taylor Drive and E Barbaras Way and an existing 8-inch public water main in N Boomer Drive, which will provide for domestic water service to each lot. The applicant will also be required to make a looped public water line connection from the E Taylor Drive waterline terminus. The plans also show three new fire hydrants; one on E Taylor Drive and two on E Barbaras Way. Additional fire hydrants may be needed to meet Fire Code requirements.

Construction plans have not yet been submitted and reviewed to determine if this requirement is met. The applicant will need to submit construction plans and obtain a Public Improvement Permit to install the water system pursuant to the requirements of the City's Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

This criterion will be met if the conditions of approval are adhered to.

E. Standards for Wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.

- 1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.*
- 2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.*
- 3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary*

easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.

Finding: Preliminary plans indicate that the applicant will be able to meet requirements of the Public Works Design and Construction Standards. Submitted plans show a new 8-inch public wastewater line along E Taylor Drive and E Barbaras Way and an existing 8-inch public wastewater line along N Boomer Drive. There is also a new waste water line proposed to cross the wetland connecting N Boomer Drive to E Taylor Drive. Service laterals for waste water service is to be provided to each lot; single residential service laterals require a 4-inch pipe with cleanout, and split residential service laterals require a 6-inch pipe with cleanout .

The applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the wastewater system pursuant to the requirements of the City's Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

These Criteria will be met if the conditions of approval are adhered to.

6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.

Finding: Preliminary plans indicate E Barbaras Way will continue east beyond the proposed development in the future. A manhole is shown at the eastern end of the street which will allow for future extension beyond the development site. This requirement is met.

7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

Finding: Preliminary plans indicate that the applicant will be able to meet requirements of the public works design and construction standards. Preliminary plans show two new 8-inch sewer main connections to the existing public wastewater line that extend to the east along E Barbaras Way and to the west along E Taylor Drive. Service laterals for wastewater service is to be provided to each lot; single residential service laterals require a 4-inch pipe with cleanout, and split residential service laterals require a 6-inch pipe with cleanout. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the wastewater system pursuant to the requirements of the City's Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

This criterion will be met if the conditions of the approval are adhered to.

F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

Finding: The applicant has submitted preliminary plans that illustrate some utility easements. The applicant will be required to submit construction plans that include necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards.

This criterion will be met if the conditions of approval are adhered to.

15.505.050 Stormwater system standards.

C. General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

Finding: Preliminary plans show that all on-site stormwater is collected into a 12-inch storm main and conveyed into a stormwater facility located in Tract A and Tract B. Stormwater tracts located in areas of wetland are to be mitigated. Construction plans have not yet been submitted and reviewed to determine if the requirement is met. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the stormwater system improvements pursuant to the requirements of the City's Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Public walkways when located adjacent to stormwater facilities must be located outside of the fenced stormwater facility and outside of maintenance access drives.

This criterion will be met if the conditions of approval are adhered to.

D. Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:

- 1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.***

2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.

3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

Finding: Preliminary plans and a preliminary stormwater report for the proposed development have been submitted. The preliminary stormwater report does not appear to match the preliminary plans. This site is not currently paved. New impervious surfaces will be created and stormwater quality and quantity facilities will be required. The project will disturb more than one acre, therefore a 1200-C permit from DEQ will be required. The applicant will be required to submit a copy of the 1200-C permit from DEQ, a Final Stormwater report that matches the construction plans, stormwater system plans, and erosion control plans that comply with DEQ requirements and City's Public Works Design and Construction Standards.

These criteria will be met if all conditions of approval area adhered to.

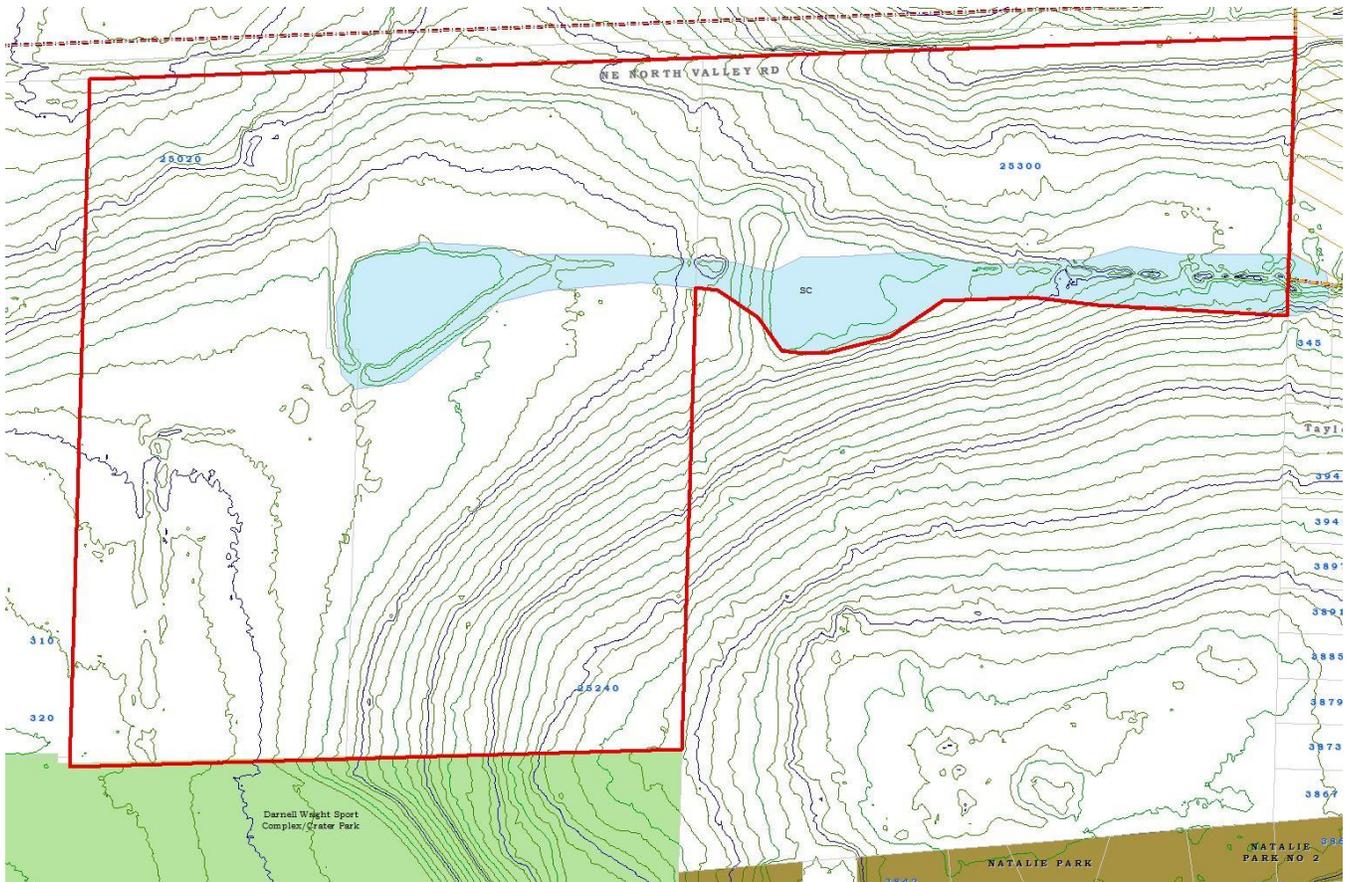
E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

Finding: Preliminary plans show that all on-site stormwater is collected and conveyed to on-site stormwater facilities. Construction plans for this stormwater systems have not yet been submitted. A stormwater final report will need to be submitted with the Public Improvement Permit and will be completely reviewed at that time. The applicant will need to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and obtain a Public Improvement Permit to install the stormwater system improvements including permanent maintenance access via a paved road within 10-feet of stormwater facility structures within the stormwater tracts.

This criterion will be met if the conditions of approval are met.

Tualatin Valley Fire & Rescue TVF&R

Finding: TVF & R has provided comments to ensure that the proposed subdivision will be development in a manner that avoids fire hazards and provides the needed design elements that will aid in the event a fire does occur. A copy of TVF&Rs requirements can be found in Attachment "3". The applicant shall meet the requirements of TVF&R letter from Jason Arn, Deputy Fire Marshall II, which is dated May 22, 2018.



Topographic Map showing 2, 5 and 10 foot contours

II. VARIANCE CRITERIA THAT APPLY: Newberg Development Code 15.215.040

Requested variance for E Taylor Drive cul-de-sac length and number of homes served by a cul-de-sac

Discussion: The E Taylor Drive cul-de-sac length is approximately 1,064 linear feet, which exceeds the maximum length of 400 feet. A total of 37 homes would be served by the E Taylor Drive cul-de-sac, which is greater than the maximum allowed in the NDC of 18.

A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.

Finding: The applicant has stated that strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code. City staff concurs with the applicants' finding. This criterion is met.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

Finding: The applicant has stated that there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district. The subject property is encumbered by steep topography, stream corridor and wetlands. City staff concur with the applicants findings.

The site is split between north and south by a stream corridor preventing access to NE North Valley Road, which is an exceptional and extraordinary circumstance that does not generally apply to other properties in the R-1 zoning district. Existing development allows for only two connection points to the proposed development, limiting the ability to meet the maximum block perimeter standard. This criterion is met.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

Finding: The applicant has stated that the variance of the proposed cul-de-sac length and number of homes served allows for the development of this property in a practical manner as other property generally would be allowed to develop. A strict or literal interpretation would make it impracticable to develop the R-1 zoned property. This criterion is met.

D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

Finding: Other properties in the R-1 zoning district are afforded the opportunity to maximize density according to code standards. The applicant has proposed an efficient design given the topographical constraints of the site. Granting the variance does not constitute a special privilege to the applicant. Due to the steep topography, stream corridor and wetlands, city staff concurs with the applicant findings. This criterion is met.

E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Finding: The applicant narrative states the proposed cul-de-sac length and number of homes served are not a detriment to the public health, safety or welfare nor materially injurious to properties in the vicinity. The proposed subdivision blends well with the adjoining subdivision of Gracie's Landing (currently under construction) and Dutchman Ridge (approved but plat has not been submitted for review by the City) subdivisions. City staff concurs with the applicants findings. This criterion is met.

Conclusion: Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code, subject to completion of the attached conditions.

Requested variances for blocks 5 and 8 as depicted in the applicants Exhibit N

A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.

Finding: The applicant has stated that a strict or literal interpretation of this Code Section would create an impractical difficulty due to the site constraints of topography, natural obstructions and stream corridor restrictions. Due to the steep topography, stream corridor and wetlands, city staff concurs with the applicant findings. This criterion is met.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

Finding: The applicant has stated that the stream corridor and accompanying wetlands essentially divide this property into two separate sides of the development. This fact, in conjunction with the CPRD developed property into ballfields, creates an exceptional circumstance wherein strictly applying the block perimeter conditions would render that section of the property undevelopable, or impracticable to develop. Due to the steep topography, stream corridor and wetlands, city staff concurs with the applicant findings. This criterion is met.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

Finding: The applicant has stated that the variance of the proposed block perimeters served allows for the development of this property in a practical manner as other property generally would be allowed to develop. A strict or literal interpretation would make it impracticable to develop the R-1 zoned property. Due to the steep topography, stream corridor and wetlands, city staff concurs with the applicant findings. This criterion is met.

D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

Finding: Other properties in the R-1 zoning district are afforded the opportunity to maximize density according to code standards. Granting the variance does not constitute a special privilege to the applicant. Due to the steep topography, stream corridor and wetlands, city staff concurs with the applicant findings. This criterion is met.

E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Finding: The applicant has stated that the proposed block perimeters are not a detriment to the public safety, health or welfare nor materially injurious to properties in the vicinity. The proposed subdivision blends well with the adjoining neighborhoods of Dutchman Ridge and Gracie's Landing (under construction). This criterion is met.

Conclusion: Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code, subject to completion of the attached conditions.

Exhibit B: Conditions to Order 2018-05

King's Landing tentative subdivision plan SUB317-0004/VAR18-0003

A. The applicant must provide the following information for review and approval prior to construction of any improvements:

Utility Easements:

1. The applicant will be required to submit construction plans that include utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards. Easements to include, but not necessarily limited to:
 - a. 10-foot utility easements along all frontages, unless determined by the City Engineer as part of the Public Improvement Permit plan review to be not needed or not feasible due to site conditions.
 - b. 15-foot public wastewater easement between lot 67 & lot 68, and lot 5 & lot 6 for the wastewater connection between N Boomer Drive and E Taylor Drive.
 - c. A 15-foot public water easement is required looped public water main connection from the E Taylor Drive water line to either N Boomer Drive or E Barbaras Way.

General Requirements for engineering permit:

The Public Works Design & Construction Standards require that the applicant submit engineered construction plans for review and approval of all utilities, public street improvements, and any new public streets being constructed. Please note that additional Engineering Department plan review application and fees apply for review of plans. Submit any required easements for review and approval, and record approved easements. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved and all necessary permits have been obtained.

The plans must note the following:

Utilities:

1. Water Requirements:
 - a. The applicant will need to submit construction plans and obtain a Public Improvement Permit to install the water system pursuant to the requirements

of the City's Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.

- b. The public water line shall be looped by connecting the proposed dead-end public waterline in E Taylor Drive with either the existing public water line in N Boomer Drive or the proposed water line in E Barbaras Way.
- c. As part of the Public Improvement Permit, the applicant will be required to submit fire flow calculations to show that the existing and proposed service is adequate.
- d. A blow off assembly at the eastern end of the street will be required which allows for future extension beyond the development site.

2. Wastewater Requirements:

- a. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the wastewater system pursuant to the requirements of the City's Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.
- b. The applicant will be required to submit construction plans that include necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards.
- c. A blow off assembly at the eastern end of the street will be required which allows for future extension beyond the development site.
- d. No mention of the septic system was made in the applicants' narrative and the system is not illustrated on Sheet P200 Existing Conditions. The septic system must be properly decommissioned and removed before any review of the Final Plat will take place. Proper decommission and removal documentation from the State of Oregon will be required.

3. Stormwater Requirements:

- a. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the stormwater system improvements pursuant to the requirements of the City's Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Public walkways when located adjacent to stormwater facilities must be located outside of the fenced stormwater facility and outside of maintenance access drives.
- b. The project will disturb more than one acre, therefore a 1200-C permit from DEQ will be required. The applicant will be required to submit a copy of the 1200-C permit from DEQ, a Final Stormwater report that matches the construction plans, stormwater system plans, and erosion control plans that comply with DEQ requirements and City's Public Works Design and Construction Standards.

- c. The City will not accept wetlands in stormwater tracts dedicated to the City. Tract A and Tract B must not have any wetlands located within their confines.
- d. The applicant will need to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and obtain a Public Improvement Permit to install the stormwater system improvements including permanent maintenance access via a paved road within 10-feet of stormwater facility structures within the stormwater tracts.

4. Streets:

- a. E Taylor Drive, E Barbaras Way (between lot 12 and lot 17), and the access road between E Barbaras Way and NE North Valley Road are to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 4.5-foot planter, 0.5-foot curb, 7-foot parking lane, 9-foot travel lane, 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, 4.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The applicant is required to dedicate sufficient right-of-way (minimum of 54-feet) to construct the listed streets. Details for a transition from a local residential street to a limited residential street will require approval by the City Engineer as part of the Public Improvement Plan review.
- b. E Barbaras Way (between lot 17 and lot 48 of the preliminary plans) is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 4.5-foot planter, 0.5-foot curb, 28-feet curb-to-curb (includes one parking lane), 0.5-foot curb, 4.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The applicant is required to dedicate sufficient right-of-way (minimum of 50-feet) to construct the limited residential street. The Fire Marshal is requiring that parking only be allowed on one side of the limited residential street. A transition from a local residential street to a limited residential street will occur across the distance of lot 17 and lot 18 of the preliminary plans.
- c. The applicant may propose a 6-foot curb tight "Type B" sidewalk on the south side of E Barbaras Way adjacent to stream corridor from approximately lot 21 to lot 26 to minimize stream corridor impacts.
- d. The applicant will be required to dedicate additional right-of-way to provide 30-feet of right-of-way from the centerline along the project frontage on NE North Valley Road.
- e. The applicant will be required to dedicate additional right-of-way to provide 27-feet of right-of-way from the centerline along the project frontage on N Boomer Drive.
- f. The applicant will be required to provide street improvements along the NE North Valley Road frontage that meet the specifications and standards of the City's Public Works Design and Construction Standards and the

Transportation System Plan for a minor collector. NE North Valley Road is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5.5-foot planter, 0.5-foot curb, 6-foot bike lane, 12-foot travel lane along the project frontage from the centerline to the curb. Pavement width will need to transition southerly from existing width of 17-feet to 18-feet to accommodate the 6-foot bike lane.

- g. The applicant will be required to provide improvements to the east side of N Boomer Drive that match the cross-section listed. The final design of N Boomer Drive will need to be approved as part of the Public Improvement Permit. The applicant will be required to provide street improvements along the N Boomer Drive frontage that meet the specifications and standards of the City's Public Works Design and Construction Standards and the Transportation System Plan for a local residential street. N Boomer Drive is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 4.5 foot planter, 0.5-foot curb, 7-foot parking lane, and 9-foot travel lane.
- h. The applicant shall pay a proportional cost for the traffic control upgrade to the City of Newberg for the number of trips being added to the E Foothills Drive/OR219-N College Street intersection as a direct result of the King's Landing development. The most severe impact to the operation of the intersection occurs during the AM peak period where the resulting operation of the intersection is a level of service F, average delay of 78.66 seconds (1.3 minutes), and a volume to capacity ratio of 0.728. The following formula was used to develop a Traffic Impact Fee to capture the proportional impact of the development: $(13 \text{ AM trips directly proportional to King's Landing development}) / (964 \text{ AM peak hour total trips through the intersection}) * (\$825,000 \text{ for the TSP cost of an intersection upgrade}) = \$11,125 \text{ Traffic Impact Fee}$
- i. A 6-foot bike lane along NE North Valley Road is required to match into the existing bike lane to the west, and an 8-inch bike lane line will be required along the property frontage. A bike lane stencil will be required in the bike lane on the east side of the access road between E Barbaras Way and NE North Valley Road. A "Bike Lane Ends" sign (R3-17, R3-17bP) will be required at the east end of the property frontage. A transition out of the bike lane shall be provided at the east terminus of the bike lane.
- j. Due to the reduced width of E Barbaras Way, the applicant shall place "No Parking-Fire Lane" signs on the north side of said street. The signs shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 19 inches high and shall have red letters on a white reflective background.

- k. The applicant shall follow the limited residential street cross-section as noted in the 15.505.030(D)(2) findings and conditions. If and when E Barbaras Way is continued to the east, the roadway must transition from a limited residential street to a local residential street as to comply with 15.505.030(G)(6).
- l. Directional ADA curb ramps will be required at the following locations:
- N Boomer Drive/E Barbaras Way Intersection
 - SE corner two (2) directional ADA curb ramps
 - NE corner one (1) ADA curb ramp
 - E Barbaras Way/Access Road between E Barbaras Way and NE North Valley Road Intersection
 - NE corner two (2) directional ADA curb ramps
 - NW corner two (2) directional ADA curb ramps
 - SW corner one (1) ADA curb ramp
 - SE corner one (1) ADA curb ramp
 - NE North Valley Road/Access Road between E Barbaras Way and NE North Valley Road Intersection
 - SW corner one (1) directional ADA curb ramp (east-west travel)
 - SE corner one (1) directional ADA curb ramp (east-west travel)
- The final design of N Boomer Drive, E Barbaras Way, E Taylor Drive, NE North Valley Road, and the access road between E Barbaras Way and NE North Valley Road will need to be approved as part of the Public Improvement Permit.
- m. The planter strips on local residential streets including E Taylor Drive, E Barbaras Way, N Boomer Drive, and the access road between E Barbaras Way and NE North Valley Road are required to be 4.5-feet wide to match the adjacent development, and 5.5-feet wide along NE North Valley Road.
- n. The sidewalk in the cul-de-sac section of E Taylor Drive is located curb-side on the plans and is required to be 6-feet wide.
- o. The applicant may propose a 6-foot curb tight “Type B” sidewalk on the south side of E Barbaras Way adjacent to stream corridor from approximately lot 21 to lot 26 to minimize stream corridor impacts.
- p. The final design of E Taylor Drive, E Barbaras Way, N Boomer Drive, the access road between E Barbaras Way and NE North Valley Road, and NE North Valley Road will need to comply with City’s Public Works Design and Construction Standards. The applicant will be required to obtain a Public Improvement Permit and meet the City’s Transportation System Plan and Public Works Design and Construction Standards for the proposed roadway improvements per 15.505.020(A) and 15.505.030(G)(10).
- q. A temporary turn around will be required at the east end of E Barbaras Way until such a point that the roadway is extend further to the east in the future.
- r. The applicant is required to provide a minimum curb-to-curb diameter of 96-feet, with a 6-foot curb-side sidewalk, and 1-foot from back of walk to right-of-way for a total right-of-way diameter of 110-feet for E Taylor Drive.

- s. The applicant will be required to install street name signs at all intersections within the development.
 - t. Lots 8, 30, and 31 have property frontage on more than one street. Lot 30 and 31 are required to take driveway access from E Barbaras Way and the driveways are to be located as far away from the intersection of E Barbaras Way and the access road between E Barbaras Way and NE North Valley Road as possible.
 - u. The applicant will be required to submit construction plans that include existing, and new street lights as needed to meet the specifications and standards of the City's Public Works Design and Construction Standards for street lights.
5. Miscellaneous Utilities:
- a. New utility service is required to be undergrounded.
 - b. Public utility infrastructure improvements not limited to street improvements, public walkways, water, wastewater, and stormwater will require completed permits from partner agencies to authorize different work tasks. Issuance of required permits not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.
 - c. The applicant will be required to submit construction plans that include utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards. Easements to include, but not necessarily limited to:
 - 1) 10-foot utility easements along all frontages, unless determined by the City Engineer as part of the Public Improvement Permit plan review to be not needed or not feasible due to site conditions.
 - 2) 15-foot public wastewater easement between lot 67 & lot 68, and lot 5 & lot 6 for the wastewater connection between N Boomer Drive and E Taylor Drive.
 - 3) A 15-foot public water easement is required looped public water main connection from the E Taylor Drive water line to either N Boomer Drive or E Barbaras Way.

Landscaping/Lighting:

- 1. A landscape bond will be required for installation of street trees.
- 2. The applicant will be required to provide street trees along all public streets that are compliant with 15.420.010(B)(4)(a).
- 3. The applicant will be required to submit construction plans that include existing, and new street lights as needed to meet the specifications and standards of the City's Public Works Design and Construction Standards for street lights.

Required Permits:

- 1. The applicant must obtain and provide all applicable Department of State Lands permits

- required by the State Removal-Fill Law, and U.S. Army Corps of Engineers permits required prior to any final plat approval.
2. Permits from other agencies for wetland mitigation shall be provided to the City prior to issuance of any City permits.
 3. Issuance of required permits not limited to the agencies of Yamhill County, the State of Oregon, and the Federal Government will be required prior to the City of Newberg issuing a Public Improvement Permit.

Public Walkways:

1. Preliminary plans indicate the following public walkway easements:
 - a. 15-foot public walkway easement between lot 38 & lot 39 for the purpose of connecting E Barbaras Way to NE North Valley Rd.
 - b. 15-foot public walkway easement between lot 18 & lot 19 for the purpose of connecting E Barbaras Way to NE North Valley Rd.
 - c. 15-foot public walkway easement between lot 76 & Stormwater Tract A of the Dutchman Ridge development for the purpose of connecting E Taylor Drive to E Barbaras Way. An easement will also need to be secured from the Dutchman Ridge development for the portion of the proposed easement shown located on the adjacent property to the east. The public walkway must be located outside of the fenced stormwater facility in Tract A of the Dutchman Ridge Development.
 - d. 15-foot public walkway easement between lot 64 & Stormwater Tract B of King's Landing for the purpose of connecting to the Chehalem Parks & Recreation District property. The public walkway must be located outside of the fenced stormwater facility. The public walkway easement must be outside of the stormwater facility maintenance access drive.
 - e. 15-foot public walkway easement on lot 53 for the purpose of connecting E Taylor Drive to E Barbaras Way.
 - f. 15-foot public walkway easement on lot 55 for the purpose of connecting E Taylor Drive to E Barbaras Way.
 - g. A 15-foot wide easement will be required with a 10-foot wide ADA accessible concrete surface for the public walkways. Public walkways when located adjacent to stormwater facilities must be located outside of the fenced stormwater facility and outside of maintenance access drives. Maintenance of public walkways located in the easements listed are the responsibility of the homeowners association into perpetuity. The applicants' Joint Permit Application (JPA) permitting for public walkways through stream corridors/wetlands must be complete and copies of issued permits must be provided to the City before a Public Improvement Permit may be issued.

Construction Phase:

1. For lots 53, 54, 55 and 67 through 71, the stream corridor easement and wetland easements must be clearly delineated and staked on said lots. City inspectors will verify that all planned foundations, driveways and any other impervious surfaces will be constructed outside of all easements. A Type I review process will be required.

Tualatin Valley Fire and Rescue TVF&R:

1. A copy of TVF&Rs requirements can be found in Attachment “3”. The applicant shall meet the requirements of TVF&R letter from Jason Arn, Deputy Fire Marshall II, which is dated May 22, 2018.

Miscellaneous:

1. For the final plat submittal, a table listing all lot areas, wetland areas, stream corridor area and all other items listed in 15.405.010 (C) that factor into calculating lot area and lot size averaging must be listed. The average lot size must be 5000 square feet or larger or the number of lots shall be adjusted to meet the minimum lot size of 5,000 square feet for the R-1 zoning district.
2. A lot line adjustment with Gracies Landing Phase #3 must be applied for and approved before any final plat approval, which will provide enough property to Lot 12 to meet the minimum 35 feet lot width.

B. Final plat submission requirements and approval criteria: In accordance with NDC 15.235.070, final plats require review and approval by the director prior to recording with Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:

1. Submission Requirements:

The applicant shall submit the final plat within two years, or as otherwise provided for in NMC 15.235.030. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

 - a. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary paper copies of the plat are acceptable for review at the time of final plat application.
 - b. Written response to any conditions of approval assigned to the land division.
 - c. A title report for the property, current within six months of the final plat application date.
 - d. Copies of any required dedications, easements, or other documents.
 - e. Copies of all homeowner’s agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner’s association, including but not limited to a draft homeowner’s association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
 - f. Copies of any required maintenance agreements for common property.
 - g. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.

- h. Any other item required by the city to meet the conditions of approval assigned to the land division.
 2. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval.

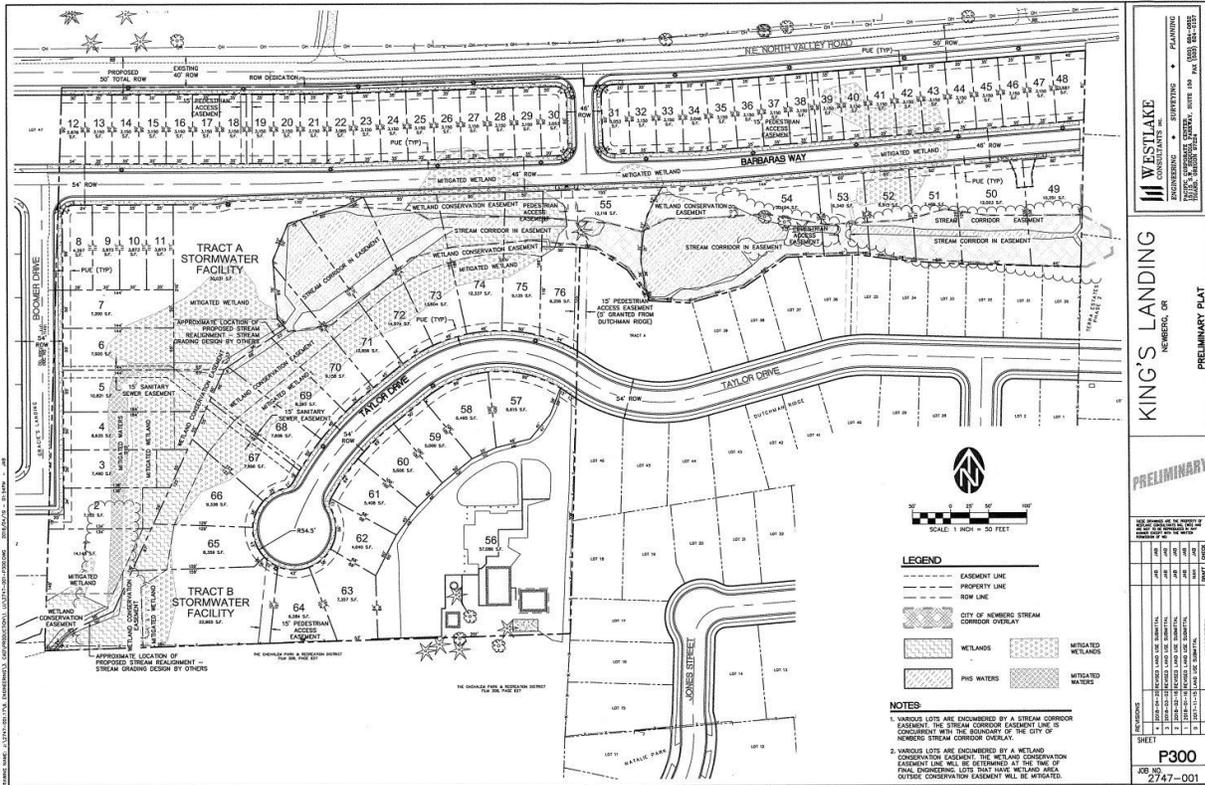
C. Filing and recording: In accordance with NDC 15.235.080, a new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot. The final plat filing and recording requirements are as follows:

1. Filing Plat with County. Within 60 days of the city approval of the final plat, the applicant shall submit the final plat to Yamhill County for signatures of county officials as required by ORS Chapter 92.
2. Proof of Recording. Upon final recording with the county, the applicant shall submit to the city a paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
3. Prerequisites to Recording the Plat.
 - a. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
 - b. No plat shall be recorded until the county surveyor approves it in the manner provided by ORS Chapter 92.

D. Development Notes:

1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
2. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
3. **Frontier:** The developer must coordinate trench/conduit requirements with Frontier. Contact the Engineering Division, Frontier, at 541-269-3375.
4. **Addresses:** The Planning Division will assign addresses for the new subdivision. Planning Division staff will send out notice of the new addresses after they receive a recorded mylar copy of the final subdivision plat.

Exhibit C: Preliminary Plat King's Landing Subdivision | SUB317-0004/VAR18-0003



Attachment 1: Aerial photo



Attachment 3: Public and Agency Comments Received